

2/4/76

AIRTEL

TO : DIRECTOR, FBI (44-38861)
FROM : SAC, CINCINNATI (157-1893) (P)
SUBJECT: MURKIN

Re CI airtel and LHM to Bureau, 12/2/75.

Enclosed for the Bureau are six copies of an LHM captioned "JAMES EARL RAY".

Enclosed for Memphis are two copies of the same LHM.

Information furnished in the enclosed LHM was obtained from records at the U.S. Court of Appeals, Sixth Circuit, Cincinnati, Ohio, by SC DWIGHT H. VOGEL.

Cincinnati will maintain contact with the U.S. Court of Appeals in this matter.

2-Bureau (Enc. 6)
2-Memphis (44-1987) (Enc. 2)
2-Cincinnati

DHV:cmn
(6)



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Cincinnati, Ohio

February 4, 1976

In Reply, Please Refer to
File No.

RE: JAMES EARL RAY

On February 4, 1976, Betty Tibbles, Deputy Clerk, United States Court of Appeals, Sixth Circuit, Cincinnati, Ohio, advised an employee of the Federal Bureau of Investigation (FBI) that the following additional entries were recorded on Docket Number 75-1795:

1976

January 19, 1976	Motion of Appellee to strike exhibits from Appellant's Appendix
January 30, 1976	Opposition to Appellee's motion to strike exhibits
January 30, 1976	Motion of Appellant to correct errors and omissions in transcript
February 2, 1976	Response to Appellant's motion to correct errors and omissions

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

- 1* -



1 - External Affairs Division
(Attention: Tom Coll)
① - Mr. R. J. Gallagher
(Attention: J. S. Peelman)

January 22, 1976

The Attorney General

Director, FBI,

1 - Mr. W. R. Wannall
1 - Mr. J. G. Deegan
1 - Mr. S. F. Phillips
1 - Mr. J. T. Aldhizer

DEMONSTRATION BY RESEARCH ACTION
GROUP ON ASSASSINATION

Seltzerhoff

This letter is to alert you to an inquiry which may be made of you concerning the assassination of Martin Luther King, Jr.

At 11:30 A.M., January 15, 1976, a group of 15 demonstrators representing the Research Action Group on Assassination appeared at the New York Office of the FBI. Robert Ranftle, spokesman for this group, was met by one of the Special Agents in charge of our New York Office. Ranftle stated the purpose of the demonstration was to bring to the public's attention the possibility that a conspiracy existed in the killing of Dr. Martin Luther King, Jr., and that this should be pursued. The demonstration lasted one hour and was peaceful.

Ranftle was advised by our representative that the Attorney General of the United States is currently reviewing the FBI investigation of Dr. King's death. He was also advised that the New York Office did not have the complete investigative file concerning this matter.

Ranftle indicated he would communicate with the Attorney General concerning this matter.

Files of FBI Headquarters and our New York Office contain no pertinent information concerning the Research Action Group on Assassination and Ranftle.

1 - Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

1 - J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

1 - 100-106670 (Martin
Luther King, Jr.)
1 - 44-38861

1 - Richard L. Thornburgh
Assistant Attorney General
Criminal Division

JTA:adn
(14)

SEE NOTE PAGE TWO

Letter to the Attorney General
Re: Demonstration by Research Action
Group on Assassination

NOTE:

Above information was provided in New York airtel
1/16/76 captioned "Demonstration by Research Action Group on
Assassination at NYO, 1/15/76," New York SAC meeting group was
Philip A. McNiff.

The Attorney General

January 21, 1976

Director, FBI

1 - Mr. Callahan
1 - Mr. Adams
1 - Mr. Gallagher
1 - Mr. O'Connell
1 - Mr. Peelman

① - Mr. Helterhoff
1 - Mr. Moore
1 - Mr. Wannall

MARTIN LUTHER KING, JR.

On January 18, 1976, Edward Bennett, National Chairman of "Citizen Committee for A Dr. Martin Luther King, Jr. Holiday," accompanied by William Byrd, Vice Chairman of the Committee, appeared at the New York Office of the FBI.

Mr. Bennett indicated the purpose of the visit was to find out what the Federal Bureau of Investigation was doing about the allegations that the killing of Dr. Martin Luther King, Jr., was a conspiracy. He was specifically interested in what had been done to identify the person who changed Dr. King's room reservation from the first floor to the second floor at the Lorraine Hotel, Memphis, Tennessee. Our investigative results of the assassination of Martin Luther King, Jr., previously furnished to the Civil Rights Division, reflect that King stayed in Room 306 (second floor) of the Lorraine Hotel and there is no indication of any change in the room reservation.

Mr. Bennett and Mr. Byrd were advised that the Attorney General of the United States is currently having the FBI investigation of Dr. King's death reviewed and Mr. Bennett stated he would make arrangements to see the Attorney General at some time in the future.

The above is being furnished for your information.

- 1 - The Deputy Attorney General
- 1 - Assistant Attorney General
Civil Rights Division
- 1 - Assistant Attorney General
Criminal Division

HNH:bap (14)

44-38861

SEE NOTE PAGE TWO...

The Attorney General

NOTE: This case pertains to the shooting death of Martin Luther King, Jr., on 4/4/68. James Earl Ray pled guilty to this murder and presently is in local confinement.

New York furnished the above information by airtel dated 1/16/76.

The reference to our investigative results pertain to Bufile 44-38861. Based on available information, no information located in Bureau files identifiable with Bennett or Byrd.

Attached being furnished to the Attorney General for information, with copies to the Deputy Attorney General, the Civil Rights Division, and the Criminal Division, in view of statement by Bennett that he would make arrangements to see the Attorney General at some time in the future.

1/16/76

AIRTEL

TO: DIRECTOR, FBI

FROM: SAC, NEW YORK

SUBJECT: CITIZEN COMMITTEE FOR A DR. MARTIN
LUTHER KING, JR. HOLIDAY

On 1/15/76, HOWARD BENNETT, National Chairman of "Citizen Committee for A Dr. Martin Luther King, Jr. Holiday", accompanied by WILLIAM BYRD, Vice Chairman of the Committee, appeared at the NYO.

Mr. BENNETT indicated the purpose of the visit was to find out what the Federal Bureau of Investigation was doing about the allegations that the killing of Dr. MARTIN LUTHER KING, JR. was a conspiracy. He was specifically interested in what had been done to identify the person who changed Dr. KING's room reservation from the first floor to the second floor at the Lorraine Motel, Memphis, Tennessee.

Mr. BENNETT and Mr. BYRD were advised that the Attorney General of the US is currently reviewing the FBI investigation of Dr. KING's death. Mr. BENNETT stated he would make arrangements to see the Attorney General at some time in the future.

2 - Bureau
1 - New York

MMM:mgm
(3)

Mr. W. R. Wannall

J. G. Deegan

MARTIN LUTHER KING, JR.

- 1 - Mr. J. B. Adams
- 1 - External Affairs Div.
(Attn: H. A. Boynton)
12/18/75
- 1 - General Investigative Div.
(Attn: E. J. McDonough)
- 1 - Mr. W. R. Wannall
- 1 - Mr. H. E. Helgeson
- 1 - Mr. J. G. Deegan
- 1 - Mr. S. F. Phillips
- 1 - Mr. W. O. Cregar
- 1 - Mr. J. T. Aldhizer

In the attached newspaper article which appeared in "The Washington Post" on 12/17/75, Jack Anderson claims that shortly after King's assassination on 4/4/68, Mr. Hoover, through an intermediary, sent word to Anderson that the motive behind the murder of King was cuckoldry and that the assassin apparently had been hired by a jealous husband. According to this article, the FBI intermediary identified the Los Angeles couple to Anderson.

Personnel in the Intelligence and General Investigative Divisions, familiar with our investigations of King and his assassination, were canvassed and had no recollection that an FBI representative contacted Anderson and advanced the above motive theory outlined in his article. In addition to canvassing personnel familiar with our investigations concerning King, there was recently completed a serial-by-serial review of the assassination (MURKIN) case and no evidence was discovered that Anderson was contacted.

Our canvass of personnel included SAC Richard Long of the Phoenix Office, who supervised the MURKIN case at FBIHQ. Long stated that early in the MURKIN investigation, prior to identifying Ray, the Bureau interviewed a number of people close to King, including the Los Angeles woman with whom King had had a close relationship, to ask them if King had confided in them information relating to threats on King's life, which information could be used for leads in determining the identity of the assassin. However, Long did not recall anyone going to Anderson as claimed in the article.

ACTION:

None. For information and record purposes.

Enclosure

1 - 44-38861 (MURKIN)

JT119js

Hoover Floated Hoax Story on King

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. 17/111
- Laboratory _____
- Leg. Coun. _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

**By Jack Anderson
and Les Whitten**

The FBI vendetta against Dr. Martin Luther King Jr. didn't end with his murder. FBI Director J. Edgar Hoover, who had tried to blacken King's name while he was alive, also tried to tarnish it after his death.

Not long after King was gunned down on the balcony of his Memphis motel on April 4, 1968, Hoover sent word to me that the motive behind the murder was cuckoldry, that the assassin apparently had been hired by a jealous husband.

I have held back this story for more than seven years because of my rule against revealing sources. But Hoover is now fading from the contemporary scene into history. His incredible attempt to panic King into committing suicide, it seems to me, also abrogates any right he may have had to confidentiality. Therefore, I have decided it is in the public interest to tell the story.

Back in 1968, I was on good terms with the old FBI curmudgeon. He sent word through an intermediary that King's killer, James Earl Ray, had been in Los Angeles shortly before he returned east to stalk the civil rights leader.

Hoover's messenger suggested that Ray had been hired by a jealous husband, who had become enraged by the discovery that his wife had borne King's child. The intermediary identified the Los Angeles couple and showed me supporting data, including an FBI report describing a passionate interlude between the wife and Dr. King in a New York City hotel.

I was eager, of course, to find out who was behind the assassination. So I flew to Los Angeles and did my damndest to confirm the FBI leads. I waylaid the wife and husband separately for confrontational interviews and questioned

others who might have known of the alleged love affair, the paternity of the child or the attitude of the husband toward King.

I could find absolutely no evidence that contradicted the couple's own explanation that Dr. King was an honored friend of the family, a frequent guest in their home and nothing more.

I also discovered with deepening apprehension that there were no FBI agents on this trail that was supposed to be so hot. I returned to Washington satisfied that the FBI story was erroneous and half convinced that it was a deliberate hoax.

Yet I was reluctant to believe ill of Hoover. Like so many others, I wanted to believe there was at least one rock of integrity in Washington. He had, after all, created a miracle — an honest and efficient police force out of what had been in 1924 a corrupt menagerie of drunks, hacks, misfits and courthouse bangers on. So I kept the jury out on Hoover.

In late 1970 the jury came in, for me. I happened to be on an airplane with the late Rep. Hale Boggs (D-La.), then the House majority leader. He told me how members of Congress were being intimidated, if not blackmailed, by Hoover.

He said that the FBI would come upon a skeleton in a member's closet — a woman, a vice, a shady business associate — and then get word to him that an accusation against him had reached the FBI and they wanted to alert him so he could be on his guard. From then on the member was likely to be a captive of Hoover.

For the next few days, I circulated among officials and reporters who were likely to know something about the dark side of Hoover. I discovered that every last one of them was afraid of Hoover. A check of the newspaper morgues in late 1970 demonstrated the result of Hoover's carrot-and-stick mastery of public relations: decades of laudatory, often

Phillips

- The Washington Post C18
- Washington Star-News _____
- Daily News (New York) _____
- The New York Times _____
- The Wall Street Journal _____
- The National Observer _____
- The Los Angeles Times _____

Date 12/17/75

...dolizing coverage; but no sustained, brass-knuckled, mass circulation attack and few criticisms of any kind.

Because we believed no police official should ever become this powerful in America, we began an investigation of the FBI chief. In a series of columns that ran sporadically from December, 1970, through the fall of 1971, we revealed among other things:

That Hoover had received \$50,000 for books written in his name by FBI personnel on government time; that he had accepted annual free vacations at the Hotel Del Charro near the Del Mar, Calif., race track from oil millionaire Clint Murchison Jr.; that Hoover used the FBI to dig up and circulate dirt about the private lives of prominent Americans who had committed no crimes; that he had kept members of Congress under surveillance then lied about it.

We also discovered that the man of steel, the deity who kept a life-sized bronze bust of himself in the foyer of his home, was in reality, even as you and I, a fatty with a sweet tooth and a stomach full of gas pains; a dweller in a burglary-ridden neighborhood whose own Christmas lights had been vandalized; a fearful old man who crouched in one corner of his bulletproof limousine and propped up his hat in another corner.

As the months of 1971 passed, and it was seen that we had not been struck down by lightning, critical scrutiny began throughout the national media — Life, Time, Newsweek, the daily press, nightly television.

The result was instructive. Hoover suddenly pulled in his horns.

White House aides complained that Hoover had grown soft. But Hoover had rediscovered the restraints of the American system — too late for his reputation but not too late for the country.

(1975 United Feature Syndicate, Inc.)

12/30/75

CIVIL RIGHTS DIVISION

ATTENTION: MR. STEVE HORN

MURKIN
CIVIL RIGHTS

xx F.

JCL/jet

¹
NOTE: This concerns FOIA request of JOHN LARRY RAY.

NATIONAL PRISON PROJECT
SUITE 404
1124 16th N. W.
WASHINGTON, D.C. 20036

December 15, 1975

Dear Mr. Bronstein:

I have been trying to get the F.B.I. to turn over to me my file under the freedom of information act. since July 8, 1975. I expect you know that the F.B.I. only have to complied with the f.o.i.a. under ten days. However, In my case it been six months and I see no relief in sight. I have been giving one excuse after another,

Recently the st. louis post dispatch ran an article in an editorial claiming that the F.B.I. WAS STONEWALLING IT when it came to turning over information under the F.O.I. A.

A few days later the head of the F.B.I. in st louis wrote an answer to this editorial claiming that they was not stonewalling it. I expect you can see by the tactic they are using on me that they are stonewalling it.

One of the reasons they might be stonewalling it in my case is that I'M serving eighteen years in a federal penitentiary for picking up on a highway a person who was found not guilty of robbing a bank. I then found out that agents had threaten my co-defendant from taken the stand at my trial while they legalized an illegal searched of his room with perjury testimony. Solely for the purpose of being able to plant a 'DEAD MAN MONEY' into the trial as evidence. One of these agents was J. Wallace Laprade who recently was sued by Rev. Koen for sending perverted letters to Mr. Koen and his wife. Well Mr. Laprade also entered a lawsuit which I filed against an F.B.I. agent in St. Louis. He gave a sworn affidavit backing up this other agent. I prove it was perjury. the

DEC 24 1975

F.O.I.A.

Judge however dismissed the suit, I found out later that perjury is permissible
in federal court as long as it doesn't come from the defense table.

I appreciate if you can help me get my file from the F.B.I. under the
F. O. I. A.

Sincerely,

JOHN LARRY RAY 66798
FEB 1000
MARION, ILLINOIS 62959

CC. ST. LOUIS POST DISPATCH
CLARENCE KELLY, DIRECTOR OF THE F.B.I.

12/29/75

CIVIL RIGHTS DIVISION

ATTENTION: MR. HORN

MURKIN
CIVIL RIGHTS

See Note

x F.

JCL/jet

¹
NOTE: Enclosed is copy of RCMP record of CLIFFORD HOLMES ANDREWS. As noted, ANDREWS was incarcerated in April 1968, but was on parole in 1974 during period Attorneys LIVINGSTON and THOMPSON were contacted.

12-12-75

Airtel **VIA COURIER**

To: Director, FBI (44-38861)
From: Legat, Ottawa (44-4)(RUC)
Subject: MURKIN

ReBUcab dated 11-29-75.

Enclosed for the Bureau, Buffalo, and Memphis are copies of RCMP record for Clifford Holmes Andrews. Also enclosed for Memphis is one photograph of Andrews.

5 - Bureau (Enc. 1)
1 cc - Memphis (Enc. 2)
1 cc - Buffalo (Enc. 1)
1 cc - Foreign Liaison Unit (Enc. 1)

CRIMINAL CONVICTIONS
(AND RELATED INFORMATION)



SUMMARY OF POLICE
(NOT INTENDED FOR SENTENCE)

NAME(S) CLIFFORD HOLMES ANDREWS

IDENTIFICATION SERVICES
ROYAL CANADIAN MOUNTED POLICE
OTTAWA, CANADA

FPS No. 75538A

FPS No. 75538A

DATE AND PLACE OF SENTENCE	CHARGE	DISPOSITION	DATE, PLACE CHARGE AND DISPOSITION
1974 - AUG. 19 FINGERPRINTED BY PF PORT ELGIN, ONT.	<p style="text-align: center;"><u>CURRENT OUTSTANDING CHARGE(S)</u></p> FALSE PRETENCES SEC.321 CC	No DISPOSITION	

WHEN USED IN COURT FOR SENTENCING PURPOSES, DETACH HERE

• THIS IS A SUMMARY OF INFORMATION SUBMITTED BY LAW ENFORCEMENT AGENCIES. ALL CONVICTIONS ARE SUPPORTED BY FINGERPRINTS. DISTRIBUTION IS RESTRICTED TO AUTHORIZED AGENCIES.

C-480* (4/74)

CRIMINAL CONVICTIONS
(AND RELATED INFORMATION)



IDENTIFICATION SERVICES
ROYAL CANADIAN MOUNTED POLICE
OTTAWA, CANADA

SUMMARY OF POLICE
(NOT INTENDED FOR SENT)

NAME(S) CLIFFORD HOLMES ANDREWS

FPS No. 75538A

FPS No. 75538A

DATE AND PLACE OF SENTENCE	CHARGE	DISPOSITION	DATE, PLACE CHARGE AND DISPOSITION
1965 - OCT. 1 TORONTO, ONT.	(1) FRAUD (2 CHGS.) (2) FRAUD (2 CHGS.)	(1) 2 YRS. ON EACH CHG. CONC. (2) 2 YRS. ON EACH CHG. CONC. BUT CONSEC. TO #1	1963 AUG 29 BRACEBRIDGE ONT OBTAINING FOOD & LODGING BY FRAUD- WITHDRAWN
1967 - MAR. 10		PAROLED	1965 OCT 1 TORONTO ONT FRAUD (3 CHGS.), ATT. FRAUD - ALL DISMISSED
1967 - SEPT. 26 SUDBURY, ONT.	COMMON ASSAULT, SEC. 231 (1) CC (3 CHGS.)	FINED \$50. 1/D 10 DAYS ON EACH CHG. CONSEC.	
1968 - MAR. 11 SUDBURY, ONT.	ASSAULT C.B.H., SEC. 231 (2) CC	30 DAYS	1970 NOV 6 TORONTO ONT FORGERY (2 CHGS.), POSS OF REVENUE PAPER, THEFT OVER \$50., POSS OF STOLEN PROPERTY OVER \$50.- ALL DISMISSED
1968 - MAR. 11	PAROLE VIOLATOR	RECOMMITTED	
1970 - NOV. 6 TORONTO, ONT.	UTTERING (2 CHGS.)	9 MOS. ON EACH CHG. CONC.	1970 DEC 2 HAMILTON ONT ABSCOND BAIL, THEFT OVER \$50. - WITHDRAWN
1970 - DEC. 2 HAMILTON, ONT.	(1) FRAUD (4 CHGS.) (2) POSS. OF STOLEN PROPERTY UNDER \$50.	(1) 16 MOS. ON EACH CHG. CONC. (2) 3 MOS. CONC.	
1971 - MAY 28		PAROLED	
1974 - SEPT. 4 MILTON, ONT.	EXTORTION SEC.305(1) CC	1 YR.	
1974 - DEC. 16 OWEN SOUND, ONT.	(1) FRAUD BY ACCOMMODATION SEC. 322(1) CC (2) FALSE PRETENCES SEC.320(1) CC (5 CHGS.)	(1) 6 MOS. CONSEC. TO SENT. SERVING (2) 6 MOS. ON EACH CHG. CONC. & CONC. TO #1	

WHEN USED IN COURT FOR SENTENCING PURPOSES, DETACH HERE

• THIS IS A SUMMARY OF INFORMATION SUBMITTED BY LAW ENFORCEMENT AGENCIES. ALL CONVICTIONS ARE SUPPORTED BY FINGERPRINTS. DISTRIBUTION IS RESTRICTED TO AUTHORIZED AGENCIES.

December 24, 1975

Mr. John J. McDermott
Federal Bureau of Investigation
Washington, D. C.

Polson

*2-10-75
R. J. Kelly*

Dear Mr. McDermott:

Through you, I wish to commend Messrs. William B. Holtzclaw and Stephen M. Fedastion and Mesdames Emily L. Rogers and Mary T. Warren of the Files and Communications Division who participated so effectively with respect to a special project in connection with a Bureau case.

As a result of the diligence and perseverance these individuals exhibited while locating files, this difficult and urgent project was promptly completed within the short deadline set. They should take pride in their excellent services which were of substantial benefit to the FBI and I ask that you convey to them my sincere appreciation for the very fine job that they did in this regard.

Sincerely yours,

Clarence M. Kelley
Clarence M. Kelley
Director

1 - Mr. Gallagher (Personal Attention) For Your Information
Re: MURKIN

- 1 - Mr. Callahan
- 1 - Mr. Adams
- 1 - Mr. Gallagher
- 1 - Mr. O'Connell

12/24/75

Mr. Gallagher

- 1 - Mr. Peelman
- ① - Mr. Lawn
- 1 - Mr. Wannall
- 1 - Mr. Moore

J. B. Peelman

MURKIN

This is the case involving the murder of Martin Luther King, Jr., in Memphis, Tennessee, in April, 1968.

Attached for approval is a memorandum to the Attorney General enclosing a copy of a letter and envelope with enclosure which was received by this Bureau from James Earl Ray. This memorandum has been prepared with copies for the Deputy Attorney General, Assistant Attorney General (AAG) Criminal Division and AAG Civil Rights Division in view of the Department's current review of all Bureau files pertaining to Martin Luther King.

In his letter to FBIHQ, Ray advises that he has read that certain evidence gathered by this Bureau in the Martin Luther King investigation may be destroyed. Ray, obviously believing that this material relates to the investigation of the assassination of Dr. King, requests that no evidence be destroyed by this Bureau or by the Department pending Ray's appeal before the Sixth Circuit Court of Appeals. (All evidence obtained by this Bureau during the investigation of the assassination of Martin Luther King was turned over to Tennessee authorities in October, 1968.)

Enclosed with Ray's letter was a copy of a newspaper article dated 12/11/75, which set out a decision by the U. S. Court of Appeals for the District of Columbia that Special Agents of the FBI must retain the notes prepared by them during interviews.

On 3/10/69, James Earl Ray entered a plea of guilty to the charge of murder of King and received a 99-year sentence. Federal process against Ray, charging him with violation of Title 18, Section 241, U. S. Code, conspiring to violate the civil rights of Martin Luther King, was dismissed on 12/2/71.

Ray's letter has been acknowledged by fern letter advising Ray that a copy of his communication has been forwarded to the Department of Justice.

ACTION: If approved, the attached memorandum should be forwarded to the Attorney General.

Encls.
44-38861
JCL/pwl)9(

The Attorney General

1 - Mr. Callahan
1 - Mr. Adams
1 - Mr. Gallagher

December 29, 1975

Director, FBI

1 - Mr. O'Connell
1 - Mr. Peelman
~~1 - Mr. Lawn~~
1 - Mr. Wannall
1 - Mr. Moore

ASSASSINATION OF MARTIN LUTHER KING, JR.

Attached is a copy of a letter and envelope with enclosure dated December 15, 1975, received by this Bureau from James Earl Ray.

In his letter, Ray requests that no evidence or potential evidence be destroyed by the FBI or by the Department pending a decision on Ray's appeal before the U. S. Sixth Circuit Court of Appeals.

For your information, all physical evidence acquired by this Bureau during the course of this investigation was turned over to Tennessee authorities in October, 1968, pursuant to Departmental instructions received by this Bureau on October 24, 1968.

Receipt of Ray's letter has been acknowledged by this Bureau.

Enclosures (3)

1 - The Deputy Attorney General - Enclosures (3)

1 - Assistant Attorney General - Enclosures (3)
Civil Rights Division

1 - Assistant Attorney General - Enclosures (3)
Criminal Division

NOTE: See cover memorandum J. S. Peelman to Mr. Gallagher dated 12/24/75, captioned "MURKIN".

44-38861

JCL/pwl) 13 (

Mr. Clarence M. Kelly
Director, F.B.I.
Washington, D.C.

December 15th 1975

re: Ray(def.) v. Tenn., Cr. indictment no.16645,
Shelby county, Tennessee. (1968)

Dear Sir:

In reference to the above titled suit, I (the defendant) have been with the assistance of counsel pursuing this matter through the courts (rather than the press & committees) for the past six (6) years attempting to have the plea voided and thereafter receive a jury trial.

However, as of late several press releases have been received here with substantial misgivings, one with reference to your office cited below:

In the December 11th 1975 edition of the Nashville Tennessean newspaper it was reported that in response to a question from United States Senator Barry Goldwater, before a Senate committee on 12/10/75, you implied that..."depending on the Justice Department decision whether to reopen the above suit, certain evidence, eg., FBI tapes & other material pertaining to the Dr. Martin Luther King jr. investigation, would be destroyed", or words to that effect.

Because of the aforementioned implied action by your office, and since unlike the former Director the defendant has not as yet been planted and thus can and still does intend to defend himself before the courts, I would respectfully request (or what ever phrase is legally necessary) that no evidence or potential evidence be destroyed by the FBI or it's parent Justice Department until the courts, rather than the J.D., have made a final determination on the merits of the Habeas Corpus appeal now pending before the United States Sixth circuit court of appeals. See, Ray v. Rose, case no. 73-1543.

Further, there should be a final determination in the cr. appeal before the windup of 1976; however, thereafter, apparently under Tennessee case law a defendant can, after the Sup. Ct. denies certiorari if it does herein, file a civil action as a collateral to the cr. action but any legal action with reference to criminal or civil can be concluded within a relatively short period in the evidentiary phase of the proceedings and thus the heretofore legal request that the Government not destroy any evidence in the matter does not appear to be inconsiderate or inappropriate.

The defendant is also not convinced, contrary to press speculation, that the material in question is in sum salacious in nature as it is inconceivable the Bureau would conduct a protracted investigation looking exclusively for indecorous matter-- and the defendant would expect no evidence be destroyed relieing on such an explanation.

In a related matter, during the Watergate hearings & trials there was considerable vexation in the communications industry and their political go-betweens because of speculation in the same industry that the White House tapes and other potential evidence might be destroyed or altered thus an "obstruction of justice".

I don't expect the same vexation in the instant matter but I believe the courts did subsequently rule said White House tapes were legitimate evidence and under the same rationale the material your office has implied it would destroy would appear to be "legitimate evidence".

Further, Title 28 section 534 of the U.S. code might preclude the destroying of evidence; also, see attached clipping wherein the U.S. court of appeals for the District of Columbia ruled that "full sanctions" would in the future be invoked if the Bureau destroyed evidence which could provide information or leads for cr. defendants.

In summary, I believe the defendant, concurrently with the courts, has a substantial legal standing in this matter having been sentenced to an extended prison term in 1969 under the indictment and until just recently confined under primitive (solitary confinement) conditions and for the Government's agents to be burning potential evidence on the eve of a possible supreme court ruling, or ratifying a lower court ruling, reversing the defendant's conviction because of Fraud would appear to be Actionable.

Concluding, maybe it's custom that some type restraining order be filed with the courts to enforce the aforementioned request but where the petitioner, as defendant is, indigent the courts customarily put a liberal interpretation on matters of the instant quality.

(a copy of the foregoing letter will be posted to the A.G. for Shelby county, Tennessee, as Tennessee apparently still has jurisdiction in the indictment and interest in the subject matter.

cc: Barry Goldwater, U.S. Senator
cc: Hugh Stanton Jr., Esq. A.G. Shelby ct. Tn.
cc: defendant's counsel

Sincerely: defendant, James e. Ray #65477
Station-A
State prison
Nashville, Tn. 37203.

J. Ray

Roy, J. #65477
Station-A
Unit-3/8-1
Nashville, Tn. 7203.

CERTIFIED
No. 070246
MAIL

certified

TO: Mr. Clarence M. Kelly
Director, Federal Bureau of investigation
Washington, D.C.



Christmas National Gallery
Christmas US postage

FBI Ordered To Keep Notes

By DAVID PIKE

Washington Star

WASHINGTON — The Federal Bureau of Investigation has been told by the U.S. Court of Appeals for the District of Columbia that its agents here must keep the rough notes they take while interviewing witnesses to a crime.

In an opinion written by Judge J. Skelly Wright, a three-judge panel of the court ruled Monday that such information may later be found by the courts to be helpful to a defendant and therefore relevant to a case.

THE APPEALS court noted that District of Columbia police have been pre-

serving such notes since an appellate court ruling in 1971, but that FBI agents, as a matter of practice, continue to throw away such notes after a report based on them has been prepared.

Wright's opinion said that such behavior by the FBI, in view of various earlier court rulings, was "negligence" but not "bad faith."

The ruling came in the case of three men convicted of the armed robbery of a Washington, D.C., savings and loan in March 1972.

THE APPEALS court upheld the convictions despite destruction of the FBI

notes because, it said, D.C. police had kept their interview notes and because "the evidence of guilt adduced at trial was overwhelming."

However, Wright's opinion said, "full sanctions will be invoked in future cases unless the FBI's practices are modified ...

"The reports contain the agents' narrative account of the witness statement, prepared partly from the rough notes and partly from the agents' recollection of the interview," the court said.

"ALTHOUGH THE agents are trained to include all the pertinent information in the report, there is clearly room

for misunderstanding or outright error whenever there is a transfer of information in this manner."

Outlining the impact of the present practice, the court said:

"Whether or not the prosecution uses the witness at trial, the notes could contain substantive information or leads which would be of use to the defendants on the merits of the case. If the witness does testify, the notes might reveal a discrepancy between his testimony on the stand and his story at a time when the events were fresh in his mind. The discrepancy would obviously be impor-

tant for use in impeaching the witness' credibility."

THE GOVERNMENT had argued that keeping the rough notes would impose "an intolerable administrative burden on the bureau."

But the judges found that the average report was only two pages long, and the notes usually shorter. They concluded that preserving the notes would not create "unsurmountable space problems."

The opinion suggested such methods for preserving the agents' notes as reducing documents to microfilm or simply stapling the notes to the report.

Oil Find Gets In Way Of Digging for Water

SAN ANTONIO, Tex. (AP) — Striking oil is usually cause for celebration, but the well-digging crew at the Patio Mexican Foods plant finding the black gold was little more than an annoyance.

In fact, the crew hit oil albeit a poor grade, five times before they finally found the water they were drilling for, 1,400 feet underground.

"I was beginning to wonder if we'd ever find the water we needed with all that oil getting in the way," said plant manager Ralph Cornwell. "But now we have our own water well and it looks like we may even have a 30-year supply."

12/23/75

CIVIL RIGHTS DIVISION

MURKIN
CIVIL RIGHTS

12/19/75

XXXXXXXXXXXXXXXXXXXX

Tampa

an LHM

x F.

JCL/jet

¹
NOTE: Info previously furnished by Mr. Wehunt was forwarded to Civil Rights Division in LHM on 7/5/74.

12/19/75

AIRTEL

TO: DIRECTOR, FBI (44-38861)

FROM: SAC, TAMPA (157-3231)(C)

MURKIN

ReTPtel 12/12/75 and Buairtel 12/15/75.

Enclosed herewith for the Bureau are four copies of an LHM setting forth information that was contained in reTPtel.

ROBERT THOMAS WEHUNT upon contacting the Tampa Office on 12/17/75 was advised that a copy of the results of his interview by Tampa FBI Agent was forwarded to the Civil Rights Division of the U. S. Department of Justice in 1974 and no additional dissemination was made by the FBI. Mr. WEHUNT advised that any additional information that he receives concerning this matter will be brought to the attention of the Tampa Office.

A review of Tampa files fails to indicate that any further dissemination was made by the Tampa Division of Tampa airtel and LHM 7/2/74.

2 - Bureau (Enc.4)
1 - Tampa
JEH:bg
(3)



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Tampa, Florida
December 19, 1975

JAMES EARL RAY;
DR. MARTIN LUTHER KING, JR. - VICTIM

Reference is made to Tampa memorandum dated
July 2, 1974.

On December 12, 1975, Robert Thomas Wehunt, Jr., 3109 Hartnett Avenue, Tampa, Florida, telephonically contacted the Tampa Office of the FBI and advised that on December 12, 1975, Angel Castillo, a reporter for the "St. Petersburg Times," a daily newspaper published in St. Petersburg, Florida, had contacted Wehunt and had requested that Wehunt telephone collect to John Crewdson, a reporter for the "New York Times," a daily newspaper published in New York, New York. Mr. Wehunt advised that Castillo indicated that Crewdson should be contacted by telephone number 202-293-3100.

Wehunt advised that he subsequently contacted John Crewdson at the above-listed telephone number at which time Crewdson indicated that he desired to come to Tampa, Florida, to interview Wehunt concerning information that Wehunt had previously furnished to the FBI concerning three signed statements that Wehunt's father had obtained from convicts in the Fulton County Jail, Atlanta, Georgia, indicating that these convicts had been approached by very influential businessmen to kill Dr. Martin Luther King, Jr. for \$100,000. Wehunt stated that from his conversation with John Crewdson it was obvious to him that Crewdson had obtained the results of the interview of Wehunt by an FBI Agent of the Tampa Office which interview took place on July 1, 1974. Wehunt advised that he did not give a definite answer to Crewdson but indicated that he would recontact Crewdson at which time he would furnish a definite answer.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

JAMES EARL RAY;
DR. MARTIN LUTHER KING, JR. - VICTIM

Wehunt advised that he desired to bring this to the attention of the FBI and he indicated that he planned to contact Angel Castillo and have Castillo contact Crewdson to notify Crewdson that Wehunt did not desire to be interviewed inasmuch as Crewdson apparently had all of the information that Wehunt had previously furnished to the FBI. In addition, Wehunt advised that he was going to notify Castillo that he is fearful of his life if it becomes public knowledge that he furnished information to the FBI to the effect that very influential businessmen had plotted to kill Dr. King.

On December 17, 1975, Wehunt telephonically contacted the Tampa Office and advised that upon instructions from his attorney he had contacted John Crewdson telephonically and had advised Crewdson that he did not desire to be interviewed by Crewdson.

2*

The responses requested to the inquiries by the New York Times are in many instances detailed questions requiring considerable research to insure accuracy of detail in order to avoid criticism at a later date for lack of specificity. Several questions require that we support or defend opinions by our Laboratory experts concerning ballistics and/or fingerprint examinations.

Other questions concern the results of investigations conducted by New Scotland Yard and by RCMP, both of whom respectfully requested at the time that this Bureau not reveal the scope of their investigations on our behalf.

Many of the questions are the same hackneyed questions that antagonists have echoed since the killing of Dr. King; the two car theory; cigarette ashes in the Mustang; the children's clothing found in the car; the mysterious "Raul". These questions have all been answered previously and are available as public source material.

Responses to many of these questions, is further compounded by the fact that the Department has asked that any FOIA requests for material contained in this file be first cleared through the Department, because of

*sent to Gallagher
12/17/75*

2

Ray's appeal in the 6th Circuit. The Department has taken the position that no release of information should be made by the Department or by this Bureau which could be construed at a later time as being prejudicial to any new trial for Ray.

Many responses to these questions, either official or unofficial, should be weighed with the realization that the Department is currently reviewing, on a priority basis, all material in Bureau files relating to Martin Luther King and to his assassination.

The New York Times

WASHINGTON BUREAU
1920 L STREET, N.W.
WASHINGTON, D.C. 20036
(202) 293-3100

December 14

Homer,

We've managed to boil down the results of our investigation to these questions. If we can get them answered satisfactorily, I think we'll be able to conclude that Ray was the assassin and that he acted alone.

Needless to say, we've found not a shred of evidence that the Bureau was involved in the murder, or that it spared any effort in tracking Ray down. The only points that are still troublesome, as I think the questions reflect, are whether FBI, in its eagerness to catch Ray, overlooked leads that might have indicated a conspiracy; and whether Ray was indeed a lone assassin. If we can resolve both those things I think we'll be able to put an end to speculation to the contrary.

Let me know what the prospects are.

Best regards,



Crewdson

1. FBI reportedly has concluded that an individual who was a high-school student at the time of King's murder was responsible for initiating the bogus radio (citizens' band) broadcast about him pursuing a fleeing white Mustang. Is this so, and can we have name of individual. Has he ever confessed?

2. When the Missouri prison authorities put out a wanted flyer on Ray following his escape from Jefferson City in 1967, did the flyer have someone else's prints on it, as has been alleged?

3. According to Gallagher, some 70 latent finger and palm prints were found in Ray's room in the Memphis ~~board-~~ board- inghouse from which King was shot, and others on the bundle he dropped outside while fleeing. Of those prints, three were said to have been matchable. But FBI reportedly did not begin search through file prints of 53,000 male fugitives until April 18, two weeks after King was killed, when bureau found latent thumbprint on map in Ray's room in Atlanta. Is this true, and if so--why was no search begun with the three latents following King's death?

4. As part of his alibi, Ray said that "Raoul" arrived at the rooming house shortly before King was murdered and instructed him, Ray, to go downstairs and wait for him over a beer at Jim's grill. Ray says he did this. Question: Did FBI interview Jowers (the owner) or any patrons there at the time as to whether a man resembling Ray had entered the bar during the appointed time? If so, did anyone identify him?

5. Part of Ray's story is that he had been instructed by "Raoul" to rent a room over a bar on Main Street in ~~MEM~~ Memphis called "Jim's Grill." Ray says he was unfamiliar with Memphis and first inadvertently walked into a bar farther down the street called "Jim's Place." He says he asked there about renting a room upstairs and was told there were no rooms, and that he probably was looking for "Jim's Grill," to which he was directed. We have a report that FBI interviewed manager and patrons at "Jim's Place," who confirmed that a confused man resembling Ray did stop in there. This is of key importance, for if true it contributes to Ray's allegations that he was acting under orders from someone else and did not simply scout the territory around the Lorraine Motel, where King was staying, to find the best vantage point for a ~~snipe~~ snipe.

6. Has FBI ever established just how Ray, a stranger to Memphis who was there less than 24 hours, learned that King was staying in Room 306 at Lorraine motel? (We have checked Memphis papers for April 4, 1968, and reports that they carried a picture or story to that effect that Ray might have seen are untrue. There were no such pictures or ~~stories~~ stories until after King was shot).

7. The white Mustang Ray purportedly bought from Paisley had an automatic transmission, as did the Mustang found abandoned by Atlanta PD on April 12. But service station attendants who worked on car, traced by bureau through sticker on door reportedly said they repaired the car's clutch. Did they say that, and if so does that raise prospect of a second white Mustang?

8. We understand that Atlanta found a number of Viceroy cigarette butts in ashtray of abandoned Mustang, and that there is a report to that effect in department files. Were there butts in the ashtray and were they recovered by FBI lab? (Importance here is that Ray, as far as anyone knows, was a non-smoker).

9. The undershorts found in the bundle dropped by Ray outside the rooming house during his escape were said to be far too small to fit him personally. Did they, like his other clothes, contain the mark assigned to him by the Home Service Laundry in Los Angeles?

10. The real Ramon George Sneyd, a Toronto policeman, is told RCMP that he got a pretext call from Ray on May 1, 1968, in which Ray purported to be a Canadian Government official checking to see whether Sneyd possessed a Canadian passport. Sneyd was the alias used by Ray when he was captured, and a Canadian passport with that name was issued to Ray on April 24, 1968, a week before he made the pretext call. Is Sneyd's recollection correct?

11. Early in 1974, Robert Wehunt, a sergeant stationed at MacDill AFB, Tampa, told TFO that his father, who in 1968 had been in charge of the Fulton County (Atlanta), Georgia jail, had obtained signed statements from three inmates there to the effect that, six months before King's death, they had been offered money by an anonymous group of men to arrange King's murder. Sgt. Wehunt told FBI that his father had since died but had previously placed the statements in a safety deposit box in an unnamed Atlanta bank. Did FBI verify Wehunt's story or attempt to find deposit box in question?

12. FBI's official conclusion regarding slug recovered from King's body is that it ~~was~~ was fired from type of rifle identical to one that Ray purchased, but that it could not be positively identified as having come from that particular rifle. Some individuals who have examined the slug say, however, that enough lands and grooves remain at the base of the slug to permit meaningful comparison with test bullets fired from recovered rifle. In opinion of FBI, do sufficient characteristics remain on recovered slug to permit microscopic comparison with test bullets? Did FBI ever test-fire recovered rifle, and was such a comparison ever made? What did it show? In addition, was spectrographic or neutron-activation analysis ever performed in an effort to match slug recovered from King's body with live rounds found in bundle dropped by Ray? If so, what was FBI's conclusion?

13. Gallagher told us that following King's death FBI reexamined unsolved domestic bank robberies in effort to link him with one or more jobs, as a way of explaining how he financed his travels between the time of his escape and the assassination. We are told there is strong evidence linking Ray with a bank robbery in Collinsville, Ill., that took place during this period. Is that correct, and can you tell us what the evidence amounts to? If not, can you tell us whether there were any such robberies in Collinsville between April 23, 1967 and April 4, 1968, and how much money was taken?

14. On April 22, 1968, three days after King's suspected assassin had been identified as James Earl Ray, the New York Times interviewed an inmate at the Missouri State Penitentiary, Jefferson City, Mo., who was identified by prison officials as Ray's best friend. The man was shown the bartenders' school picture of "Eric Galt" and said it was not the man whom he knew to be Ray. Did this inmate, or any other inmates there ever subsequently identify that or any other picture as the man they knew as James Earl Ray?

15. It is alleged that Ray robbed the Fulham Trust and Savings Bank in London on June 4, 1968, four days before his capture at Heathrow Airport. Some accounts assert that a latent thumbprint matching that of Ray was found on the holdup note used in the robbery. Other accounts say a print was found on a bag of some sort left at the scene. Was such a print found, and what was it on?

16. According to New Scotland Yard, when Ray was arrested at Heathrow he was in transit from Lisbon to Brussels and simply stopping over in London. They say he arrived at the airport under immigration control with a group of passengers which had just deplaned from a Lisbon-to-London flight. We understand, however, that FBI maintains that Ray had been in London for some days previously at a series of hotels. Since this discrepancy bears on whether or not Ray could have robbed the Fulham bank on June 4, can you resolve it? If not, what is basis for FBI's assertion that Ray was leaving London after a lengthy stay when he was arrested by Yard?

17. X Can you verify reports that Ray attained the level of marksman while serving with U.S. Army in Germany?

18. Ray has maintained that part of the money he used to finance his activities was obtained by holding up a Montreal brothel for about \$1,700 in June or July of 1967. Is there any evidence that he obtained such a sum of money from a brothel or anyplace else in Montreal during that period?

19. Frank Holloman, the Public Safety Director in Memphis at the time King was killed, is a former FBI agent who was assigned for eight years to Mr. Hoover's office. Is there any evidence that Mr. Holloman had reason to learn while working for the Director of the Sullivan letter to King or that tape recordings had been sent to King and his wife?

20. Ray has claimed that he spent much of the period between his escape from Jefferson City and the King murder engaged in a number of smuggling activities--bring heroin across the ~~XXXXX~~ Canadian border, for example, and trafficking in marijuana between the United States and Mexico. If true, this would explain in large part where he obtained his funds. Is there any independent evidence that Ray was involved in smuggling activities of any kind during this time?

21. Shortly after King was killed, a man named Clifford Andrews sent word to Hugh Stanton Jr., then the Memphis public defender and now Tennessee Attorney General, that he would name King's real killer (not Ray) in return for complete immunity. No immunity was ever granted. Was Andrews' assertion ever brought to FBI's attention. If so, did FBI investigate and what conclusion did it reach?

22. Can FBI shed any light on how Ray obtained the identities of Paul Bridgman and Ramon Sneyd which he used in Canada and elsewhere after his arrival in Toronto on April 8? One published account maintains that he got these two ~~names~~ names--both of which ~~belonged to Toronto residents~~ belonged to Toronto residents of about the same age--by searching through vital statistics notices in back-issues of the Toronto Globe & Mail. Is this correct, and if it is, how could Ray have found the name Bridgman in time to use it on April 8, the day of his arrival in Toronto, to rent a room? Does FBI believe Ray went directly from bus station to Toronto Public Library to seek out an alias even before renting a room in which to leave his belongings?

23. It has been reported that correspondence between Ray and J.B. Stoner, one of his many lawyers, was opened and photocopied by Tennessee prison authorities. Did FBI receive copies of such correspondence?

24. Under an 1869 Supreme Court decision, U.S. v. Rauscher, an individual returned to this country through extradition can be prosecuted only for those crimes ~~mentioned~~ specified as grounds for the extradition. In Ray's case, the only crimes so specified were the King murder and the Missouri prison break, both state offenses. Since once Ray was returned to Tennessee from England he could not be prosecuted by the United States for any offense, under what statute did FBI claim authority to continue its investigation of Ray's activities?

25. Does FBI have any reason to believe that Philip DiTommaso, a Foreign Service Officer presently attached to U.S.I.A. in Athens, played any role whatever in the alteration that was performed on Ray's alias passport during his stopover in Lisbon, when the name "Snyea" was changed to "Sneyd"?

26. According to information we have, FBI at one point in its hunt for King's killer suspected that King might have been murdered by a prominent California dentist with whose wife King allegedly had had an affair. Both dentist and wife were interviewed by FBI, which concluded that affair, if true, had played no part in King's death. We understand FBI's knowledge of affair in question was obtained through technical surveillance placed on King by Division V about six weeks before his death. Is this correct, and if so, what other leads were provided to General Investigative Division by Domestic Intelligence Division based on technical surveillance program?

27. Did FBI laboratory conclude that small indentation found in bathroom windowsill at Memphis rooming house was or was not made by the recovered rifle, or were tests inconclusive? In addition, were ~~microscopic paint fragments~~ microscopic paint fragments found on rifle barrel?

28. A palmprint allegedly was found by FBI on bathroom wall next to tub from which Ray is said to have fired fatal shot. Was such a print found, and did it match Ray's own?

29. John McFerrin, a black civil rights activist who lives near Memphis, told FBI following King's death that at about 5 P.M. on April 4, 1968, an hour before King was killed, he overheard a conversation at a Memphis produce wholesaler's office in which the impending murder of King was discussed. Did FBI interview the two individuals identified by McFerrin as having taken part in the conversation, and what was bureau's conclusion?

30. Getaway car used by Ray was identified by eye-witnesses within four minutes of shooting as a white Mustang. Why was no general order issued to stop all such automobiles attempting to leave Memphis?

31. When King first checked into the Lorraine on April 3, he reportedly took a room in the old, or hotel wing, from which he would not have presented a target to an assassin. Later, he reportedly moved to room 306 in the new, or motel wing, from which he presented an excellent target. Did FBI investigate reasons behind the change of rooms, and was anything sinister found?

32. By one account, Ray was arrested in London at 2 AM, April 8, Washington time; by another, at 6 AM Washington time. Yet, the public announcement of his apprehension was delayed by FBI until after the Robert Kennedy funeral had begun some hours later. What were the circumstances behind this delay? We have one report that the Director himself ordered it, with the intention of detracting from the publicity surrounding the funeral. Is this correct?

33. While living in Los Angeles, Ray visited two hypnotists, an Xavier von Koss and a Dr. Mark O. Freeman. Does FBI have any reason to believe that Sirhan Sirhan was ever ~~associated~~ associated with either of these individuals?

34. The SAC-Memphis at time King was killed was Robert G. Jensen. In 1970, Jensen resigned after 23 years' service rather than accept transfer to post of SAC-Buffalo. A source tells us that this transfer was punitive in nature, that Jensen was in some sort of "trouble" with FBI. Were proposed transfer and Jensen's resignation related in any manner whatsoever to his handling of Ray investigation as individual in charge of originating office?

12/17/75

CIVIL RIGHTS DIVISION

ATTENTION: MR. HORN

MURKIN
CIVIL RIGHTS

12/12/75

XXXXXXXXXXXXXXXXXXXX
Birmingham

an LHM

x F. JCL/jet

¹
NOTE: FRANK LA BERTO (PHONETIC) is FRANK CAMILLE LIBERTO
who with his brothers was interviewed in April 1968, the
results of which interviews appear in New Orleans report
4/29/68.

FBI

Date: 12/12/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Precedence)

TO: DIRECTOR, FBI (44-38861)
FROM: SAC, BIRMINGHAM (44-1740) (C)
MURKIN

Enclosed for the Bureau are the original and three copies of an LHM containing information received from a confidential source of the Birmingham Office relating to the assassination of Dr. MARTIN LUTHER KING, JR.

One copy of this LHM is being disseminated locally to the U. S. Attorney, Birmingham.

INFORMANTS

<u>Identity of Source</u>	<u>File Where Located</u>
BH T-1 is BH 1079-PCI	, BH 137-2089

This informant was contacted on 4/18/74 and he said he would be willing to assist this Bureau on a confidential basis concerning violation of Federal and/or local laws that might come to this attention. It is noted that he has an extensive criminal record and is known to associate with much of the criminal element in the Birmingham area.

- ② - Bureau (Enc. 4) (RM)
- 1 - Detroit (Enc. 1) (info) (RM)
- 1 - New Orleans (Enc. 1) (info) (RM)
- 1 - Birmingham

CBS:bkc

(5) 1-CRD
1-CRU
070F

Airtel to BH, NO
12/17/75
JCL:caw

12/17/75
JCL:et

See file copy.

ENCLOSURE

DEC 15 1975

SLY

9-

Approved: *K/CS* Special Agent in Charge Sent _____ M Per _____

BH 44-1740.

In August, 1974, it was noted that this source had been contacted at least once each 30 days since April, 1974 and failed to furnish any information of value. SA MICHAEL R. HARTMAN noted at that time that it appeared that source had been attempting to gain information concerning current FBI investigations rather than furnishing information. Due to this fact, the informant's case was closed.

This informant's file was reopened recently when he was contacted in a routine investigation. He said that his son was currently under arrest for selling drugs and in connection with this, source said he would like to help his son in any way he could by providing information to the Federal Government. Since then, he has given some reliable information. This source has a criminal record and has been characterized by SA RALPH N. BUTLER, who had an 87 case against source in which he was prosecuted, as a "pathological liar".



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
Birmingham, Alabama
December 12, 1975

In Reply, Please Refer to
File No. 44-1740

ASSASSINATION OF
DR. MARTIN LUTHER KING, JR.
CIVIL RIGHTS

On December 10, 1975, BH T-1, who has furnished insufficient information to establish his reliability, advised as follows:

Source furnished information regarding the assassination of Dr. Martin Luther King, Jr. He does not know whether this information is reliable or not but he first heard it several weeks before King was killed. He got this information from an individual named Dr. Prosch (phonetic). He said that Prosch showed him a rifle which Prosch had in the trunk of his car and told him the gun was to be used in a "big killing". Prosch said that the rifle was obtained from Aeromarine Company, Birmingham.

BH T-1 advised that after the assassination when Prosch was drinking, Prosch told source that King's assassination had been set up by King's associates, namely Dr. Abernathy, and that Prosch's job was to obtain the weapon to be used in the murder. Prosch told source that James Earl Ray was only a decoy in the murder. Prosch advised that the man responsible for lining up the killer(s) of King was Frank LaBerto (phonetic), an underworld figure in New Orleans, Louisiana and a friend of Prosch. LaBerto allegedly received \$265,000.00 for arranging King's murder and went to Detroit the day King was killed. LaBerto runs a truck stop in New Orleans named The Lake Pontchartrain Restaurant. Dr. Prosch used to formerly spend a lot of time at the Gulas Restaurant on Highway 78 East, Birmingham and that after James Earl Ray's picture was published in the newspaper, source said that he recognized Ray as an individual who use to meet Prosch at the Gulas Restaurant a couple of weeks before King was murdered.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

**ASSASSINATION OF
DR. MARTIN LUTHER KING, JR.**

BH T-1 advised Prosch was a "gun nut" and that he has been convicted by Federal authorities on a firearms violation.

BH T-1 advised that he has not told anyone about this before because he did not think that any law enforcement agency would "touch" it.

It is noted that the "Birmingham News" for April 22, 1971 carried an article captioned, "Dr. Prosch indicted on gun charges". This article stated that Dr. Gus Joseph Prosch, Jr. was indicted by a Federal Grand Jury in Birmingham on three counts of Federal gun control violations. He was arrested at his home and charged with unregistered weapons and was released on \$10,000.00 bond.

On March 10, 1971, Gus Joseph Prosch, Jr. was sentenced in Federal Court in Birmingham to five years in custody of the Attorney General for illegal possession of unregistered firearms. He was also sentenced to two other five year terms to run concurrently with the first count.

Mr. Gallagher

J. S. Peelman

1 - Mr. Callahan
1 - Mr. Adams
1 - Mr. Gallagher
12/16/75
1 - Mr. O'Connell
1 - Mr. Peelman
① - Mr. Lawn

MURKIN

This is the case involving the murder of Martin Luther King, Jr., in Memphis, Tennessee, in April, 1968.

Reference is made to a previous memorandum dated 12/12/75, captioned as above, which set out and refuted allegations made by Harold Weisberg, against the FBI in reference to captioned investigation, based upon material furnished him under the Freedom of Information Act (FOIA).

One of these allegations involved information Weisberg received in a letter from Deputy Attorney General Tyler which indicated erroneously that the FBI Laboratory did not conduct spectrographic analyses of the fatal bullet.

On 12/16/75, Departmental Attorney Volney Brown, FOIA Section, Department of Justice, advised SA John C. Lawn, General Investigative Division, that the Department had issued a press release dated 12/11/75 refuting a statement by Harold Weisberg that information received by Weisberg pertaining to this investigation was obtained as a result of a suit. (A copy of that release is attached.)

Additionally, Mr. Brown stated that information furnished to Weisberg in the Deputy Attorney General's letter dated 12/1/75, was incorrect. Brown advised that a letter is being prepared to be forwarded to Weisberg acknowledging that erroneous information had been furnished and that the FBI Laboratory did in fact conduct spectrographic analyses of the fatal bullet, copies of which analyses have been furnished to Weisberg under his FOIA request. A copy of this letter to Weisberg will be forwarded to this Bureau.

In view of the fact that the Department is preparing a letter correcting the misinformation previously furnished to Weisberg, it does not appear that a letter from this Bureau to the Department pointing out this misinformation is warranted.

ACTION: None. For information.

Enc.
44-38861

JCL/pwl) 7 (

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:
 Admin. _____
 Comp. Syst. _____
 Ext. Affairs _____
 Files & Com. _____
 Gen. Inv. _____
 Ident. _____
 Inspection _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Eval. _____
 Spec. Inv. _____
 Training _____
 Telephone Rm. _____
 Director Sec'y _____

UP-134

R B

ADD 1 KING INVESTIGATION, WASHINGTON (UP-050)
 A JUSTICE DEPARTMENT SPOKESMAN SAID WEISBERG WAS WRONG IN THINKING HE GOT THE MATERIAL AS A RESULT OF HIS SUIT. HE SAID DEPUTY ATTORNEY GENERAL HAROLD R. TYLER JR. MADE THE DECISION THREE DAYS BEFORE HE HEARD ABOUT THE SUIT.

WEISBERG FILED THE SUIT ON NOV. 28 BUT THE U.S. ATTORNEY DID NOT GET A NOTICE OF THE SUIT UNTIL DEC. 1 AND THE JUSTICE DEPARTMENT CRIMINAL DIVISION, ON DEC. 2, THE SPOKESMAN SAID. HE SAID TYLER WAS NOT TOLD UNTIL DEC. 3.

UPI 12-11 05:52 PES

NO 157-10673
CHA:pd

Both LATCH and FRANK LIBERTO were interviewed by Memphis on 4/19/68, wherein both emphatically denied any knowledge of the identify of the individual responsible for KING's death. They both failed to identify photograph of JAMES EARL RAY. Both denied receiving any telephone call on 4/4/68.

There is no Pontchartrain Restaurant in New Orleans. New Orleans telephone and city directories, New Orleans PD arrest records, and computerized drivers' licenses for the State of Louisiana operated by the Louisiana State Police, all failed to reflect the name FRANK LIBERTO.

New Orleans is not undertaking any further investigation in this matter, UACB.

12/16/75

AIRTEL

AIRMAIL

TO: DIRECTOR, FBI (44-38861)
FROM: SAC, NEW ORLEANS (157-10673) (RUC)
MURKIN

Re Birmingham airtel to the Bureau, 12/12/75.

For information of Memphis, referenced airtel and LHM furnished information from a Birmingham source, with whom insufficient information has been received to establish reliability, that indicated that MARTIN LUTHER KING's assassination was "lined up" by FRANK LABERTO (phonetic), an underworld figure in New Orleans.

FRANK LABERTO's connection in this matter was previously explored. Memphis airtel to New Orleans, 4/20/68, enclosed information received on 4/8/68, from JOHN MC FERREN, a Negro male, residing at Route 4, Box 133A, Somerville, Tennessee. On 4/4/68, MC FERREN picked up supplies for his grocery store at LLSL Produce Company, 814 Scott St., Memphis, Tennessee. While there, MC FERREN overheard a white male on the telephone say, "Kill the SOB on the balcony and get the job done. You will get your \$5,000." That person later said on the phone, "Don't come here. Go to New Orleans and get your money. You know my brother."

LLSL Produce Company was found to be operated by JAMES WILLIAM LATCH and FRANK CAMILLA LIBERTO. FRANK LIBERTO had a brother, TONY, in New Orleans.

2 - Bureau
2 - Birmingham (44-1740)
1 - Detroit (Info)
1 - Memphis (Info)
1 - New Orleans
CHA:pd
(7)

AIRTEL

12/15/75

To: SAC, Tampa (157-3231)

From: Director, FBI (44-38861)

1 - Mr. Lawn

MURKIN

ReTPtel 12/12/75.

For your information, a copy of Tampa LHM dated 7/2/74 was forwarded to the Civil Rights Division, U. S. Department of Justice, when received. No additional dissemination was made by FBIHQ.

Unless TP files indicate that further dissemination was made by your Division, advise Wehunt along these lines if he makes any further inquiries on this aspect.

SuLHM setting out information contained in referenced communication.

JCL:bap (4)

NOTE: By teletype dated 12/12/75, TP advised that Wehunt, who had furnished information relative to the MURKIN investigation, was recently contacted by a representative of the news media and questioned about the information furnished to the FBI.

TP requested that FBIHQ advise whether any dissemination made which initiated this press inquiry.

(LHM dated 7/2/74 was furnished to CRD on 7/5/74.)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 12 1975

MS
TELETYPE

*McDonnell
or Peckham*

NR011 IP CODE

6:40 PM URGENT DEC 12, 1975 JMM

TO: DIRECTOR (44-38861)

FROM: TAMPA (157-3231)

MURKIN.

RE TAMPA AIRTEL WITH ENCLOSED LHM JULY 2, 1974.

RE TAMPA AIRTEL WITH ENCLOSED LHM SETS FORTH THE RESULTS OF AN INTERVIEW ON JULY 1, 1974, OF ROBERT THOMAS WEHUNT, JR., A STAFF SERGEANT, USAF, AT MACDILL AFB, FLA. DURING THE COURSE OF THE INTERVIEW, WEHUNT INDICATED THAT HIS FATHER WHO DIED IN AUGUST, 1973, HAD BEEN A GUARD AT THE FULTON COUNTY JAIL, ATLANTA, GA., FOR 3 YEARS. ACCORDING TO WEHUNT HIS FATHER HAD OBTAINED THREE SIGNED STATEMENTS FROM "HARD CORE" CONVICTS IN THE FULTON COUNTY JAIL AND EACH STATEMENT STATED THAT THESE CONVICTS HAD BEEN APPROACHED BY VERY INFLUENTIAL BUSINESSMAN TO KILL DR. MARTIN LUTHER KING, JR., FOR \$100,000.

ON DECEMBER 12, 1975, ROBERT WEHUNT, JR., TELEPHONICALLY CONTACTED THE TAMPA OFFICE AND ADVISED THAT ANGEL CASTILLO, A REPORTER FOR THE "ST. PETERSBURG TIMES" HAD CONTACTED WEHUNT

END PAGE ONE

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ON DECEMBER 12, 1975, AND REQUESTED THAT WERHUNT TELEPHONE COLLECT TO JOHN CREWDSON, A REPORTER FOR THE "NEW YORK TIMES" AT TELEPHONE NUMBER 202-293-3100. WERHUNT ADVISED THAT HE SUBSEQUENTLY CONTACTED CREWDSON WHO INDICATED THAT HE DESIRED TO COME TO TAMPA, FLORIDA, TO INTERVIEW WERHUNT CONCERNING INFORMATION THAT WERHUNT HAD PREVIOUSLY FURNISHED TO THE FBI. WERHUNT STATED THAT FROM HIS CONVERSATION WITH CREWDSON IT WAS OBVIOUS TO HIM THAT CREWDSON HAD THE RESULTS OF THE INTERVIEW OF WERHUNT BY A TAMPA FBI AGENT ON JULY 1, 1974. WERHUNT ADVISED THAT HE DID NOT GIVE A DEFINITE ANSWER TO CREWDSON BUT INDICATED THAT HE WOULD CONTACT CREWDSON AND FURNISH A DEFINITE ANSWER TO HIM AS TO WHETHER HE DESIRED TO BE INTERVIEWED.

WERHUNT DESIRED TO KNOW HOW A REPORTER FROM THE "NEW YORK TIMES" OBTAINED THE RESULTS OF HIS INTERVIEW ON JULY 1, 1974. WERHUNT WAS ADVISED THAT THE TAMPA OFFICE WAS NOT AWARE AS TO THE CIRCUMSTANCES UNDER WHICH CREWDSON COULD OBTAIN THE RESULTS OF THE INTERVIEW CONDUCTED OF WERHUNT BY TAMPA AGENT. WERHUNT SUBSEQUENTLY ADVISED THAT HE PLANS TO CONTACT CASTILLO AND HAVE CASTILLO

END PAGE TWO

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ADVISE CREWDSON THAT HE DOES NOT DESIRE TO BE INTERVIEWED
BY CREWDSON INASMUCH AS CREWDSON APPARENTLY HAS ALL OF THE
INFORMATION THAT HE PREVIOUSLY FURNISHED TO THE FBI. IN
ADDITION WEHONT ADVISED THAT HE WILL ADVISE CASTELLO HE IS
FEARFUL OF HIS LIFE IF IT BECOMES PUBLIC KNOWLEDGE THAT HE
FURNISHED INFORMATION CONCERNING THE FACT THAT VERY INFLUENTIAL
BUSINESSMEN PLOTTED TO KILL DR. KING.

BUREAU REQUESTED TO ADVISE TAMPA CONCERNING CREWDSON OBTAINING
RESULTS OF TAMPA INTERVIEW OF WEHONT.

END

SJP FBIHQ

PLS HOLD FORONE

Mr. Gallagher

12/13/75

J. S. Peelman

MURKIN

1 - Mr. Adams
1 - Mr. Callahan
1 - Mr. Gallagher
1 - Mr. O'Connell
1 - Mr. Peelman
1 - Mr. Laws
1 - Mr. Cochran
1 - Mr. Moore

This is the case involving the murder of Martin Luther King, Jr., in Memphis, Tennessee, in April, 1968.

Attached is a copy of a UPI release dated 12/11/75, in which Harold Weisberg, an author who has written several books critical of the Warren Commission, the FBI, Secret Service, and various police agencies, alleged that law enforcement units "from Tennessee to the Department of Justice" hid evidence and "contrived the story that Ray was a 'lone unassisted assassin.'" Weisberg made the following allegations pertaining to the FBI:

ALLEGATION: There were marks on King's clothing which could not be matched to any possible effect of the bullet.

FACT: Autopsy reports in describing the damage to the right side of the face of Dr. King where the single bullet struck indicated "... there was a large gaping wound."

In the autopsy report, Dr. J. F. Francisco describes the entrance wound by stating there was "... extensive excavating lesion affecting the right side of the face ... with a fracture of the right side of the mandible." (lower jaw).

The FBI Laboratory report dated 4/29/68 sets out the following information in relation to the examination of the clothing of Dr. King.

"There is a large hole in the right front portion of the collar of the shirt. The necktie has been forcibly torn apart in the right front neck portion also. The object

44-38861

JCL:bap (9)

Enclosure

CONTINUED - OVER